IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s)	)	Scott E. HRASTAR
Application No.	)	10/700,914
Filing Date	)	November 4, 2003
Title	)	SYSTEMS AND METHODS FOR DETERMINING WIRELESS NETWORK TOPOLOGY
Examiner	)	Backhean Tiv
Art Unit	)	2151
Confirmation No.	)	7780

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450 USA

DECLARATION UNDER 37 CFR § 1.131

Dear Madam or Sir,

I, Scott E. Hrastar, hereby declare that:

1. I am the inventor in Application No. 10/700,914, filed on November 4, 2003. Application No. 10/700,914 claims priority to U.S. Provisional Application No. 60/464,464 filed on April 21, 2003.

2. The attached Exhibits A, B, and C are a true copies of original documents prepared in the regular course of business of AirDefense, Inc., the assignee of the above-identified application, and that the original is in the possession of AirDefense, Inc.

3. Exhibit A is the User Guide for AirDefense Release 3.0. Exhibit A was made in this country (U.S.A.) prior to the February 14, 2003 priority date of Williams *et*

al. (U.S. Pat. Publication No. 2005/0015623), and the February 13, 2004 filing date of Williams *et al.* The corresponding dates of Exhibit A show a conception of the present invention prior to the priority date and filing date of Williams *et al.* See, *e.g.*, page 1 of Exhibit A.

4. Exhibit A details functionality of the present invention. Specifically, pages ii - iii describe repeated monitoring of a wireless network to detect security and policy violations. Chapter 5 describes a topology representation of the wireless network and detection of potential security and policy violations through a comparison of historical topology data. For example, see Sec. 5.1.2 Policy Manager Tree View where a topology tree is utilized to show historical states of sensors, APs, and wireless stations.

5. Exhibit B is an excerpt from an AirDefense presentation. Exhibit B was made in this country (U.S.A.) prior to the February 14, 2003 priority date of Williams *et al.* (U.S. Pat. Publication No. 2005/0015623), and the February 13, 2004 filing date of Williams *et al.* The corresponding dates of Exhibit B show a conception of the present invention prior to the priority date and filing date of Williams *et al.*

6. Exhibit B details functionality of the present invention. Specifically, page 1 details rogue detection based on accidental associations, i.e. associations are monitored through historical topology data. Page 2 details a system overview of the present invention. Page 3 details stateful monitoring where site surveys and scanning are used for 24x7 monitoring of workstations and their associations for analysis to provide intrusion detection & protection, i.e. potential security and policy violations are detected responsive to historical topology data.

7. Exhibit C is a test log for AirDefense Release 3.0. The test log describes testing of a working beta release of AirDefense Release 3.0 which included the functionality of the present invention. Exhibit C was made in this country (U.S.A.) prior to the February 14, 2003 priority date of Williams *et al.* (U.S. Pat.

Publication No. 2005/0015623), and the February 13, 2004 filing date of Williams *et al.* The corresponding dates of Exhibit C show a reduction to practice of the present invention prior to the priority date and filing date of Williams *et al.*

I hereby declare that all statements made in this instrument of my knowledge are true and all statements made on information and belief are believed to be true and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

Date: 5/28/08

Scott E. Hrastar